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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,862	11/19/2003	Alessandro Caporusso	2544-1010	5611

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EXAMINER

WOLFE, DEBRA M

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/715,862	<b>Applicant(s)</b> CAPORUSSO, ALESSANDRO	
	<b>Examiner</b> Debra Wolfe	<b>Art Unit</b> 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 3-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 9, 10 and 12 is/are rejected.
- 7) ☒ Claim(s) 8 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |



## **FINAL REJECTION**

### ***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02. The oath or declaration is defective because:

The full name of each inventor (family name and at least one given name together with any initial) has not been set forth.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 2 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation of "a removable tool (4) for the curling operation" stated in claim 2 line 7 and claim 10 line 5 is unclear. The specification discloses the mandrel (3) as being removable but fails to provide an adequate disclosure for the tool (4) being removable.

### ***Claim Rejections - 35 USC § 102***

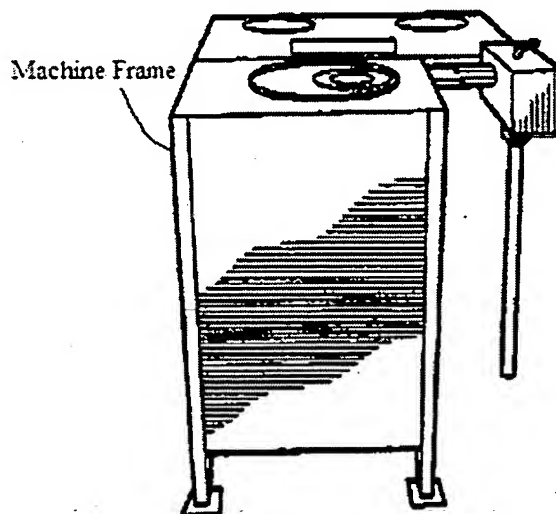
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

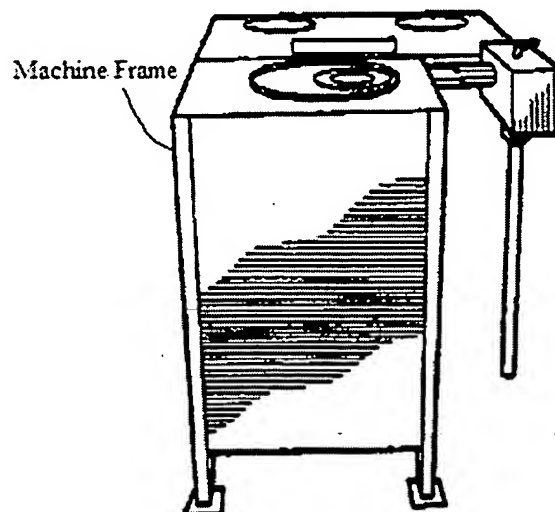


1. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Veiga (U.S. Patent # 6,823,579). Veiga discloses a portable platform with an adjusting device for forming strips into spirals having a machine frame (See FIG below) sustaining a worktable (10), a removable mandrel (shaft, not shown See col. 4, lines 47-49) usable for a curling operation and a counteracting means comprising an actuator (8) which is immovably fixed on the worktable (10) and provided with a rod (27) carrying a tool holder (28). The tool holder (28) supports an idle rotating roller (6) acting as a counteracting means for an elongated workpiece (strips 1a & 1b) with the workpiece (strips 1a & 1b) being rotated by the mandrel, which is provided with a removable tool (5) for the curling operation. It is noted by the examiner that Veiga discloses in column 4, lines 47-52 that the shaft protrudes through an opening in the upper surface of the worktable (10) and therefore is removable since it is not fixed to the worktable. In addition, the removable tool (5) is attached to the mandrel (shaft, not shown) by a fixing bolt and can be removed by detaching the fixing bolt from the mandrel (shaft, not shown).





2. Claims 9, 10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Veiga (U.S. Patent # 6,823,579). Veiga discloses a portable platform with an adjusting device for forming strips into spirals having a machine frame (See FIG below) sustaining a worktable (10), a removable mandrel (shaft, not shown See col. 4, lines 44-51) usable for a curling operation that passes through the worktable (10) and is driven by a motor inside the frame (See FIG below) and a counteracting means comprising an actuator (8) which is immovably fixed on the worktable (10) and provided with a rod (27) carrying a tool holder (28). The tool holder (28) supports an idle rotating roller (6) acting as a counteracting means for an elongated workpiece (strips 1a & 1b) with the workpiece (strips 1a & 1b) being rotated by the mandrel, which is provided with a removable tool (5) for the curling operation. It is noted by the examiner that Veiga discloses in column 4, lines 47-52 that the shaft protrudes through an opening in the upper surface of the worktable (10) and therefore is removable since it is not fixed to the worktable. In addition, the removable tool (5) is attached to the mandrel (shaft, not shown) by a fixing bolt and can be removed by detaching the fixing bolt from the mandrel (shaft, not shown).





*Allowable Subject Matter*

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of Veiga fails to disclose the worktable (10) having a linear groove therein and the tool holder (28) is movably mounted in the groove. Therefore, claims 8 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra Wolfe whose telephone number is (571) 272-1904. The examiner can normally be reached Monday - Thursday 6am - 3:30pm with alternating Friday 6am - 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Debra Wolfe  
Art Unit 3725



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Art Unit: 3725

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A handwritten signature in black ink, appearing to read "Derris H. Banks", is written over the printed name.

**DERRIS H. BANKS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**